

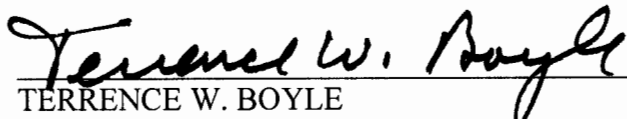
DISCUSSION

Rule 15(a)(2) of the Federal rules of Civil Procedure provides that “a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” Because the Court finds that the interests of justice would best be served by allowing the requested amendment, the Court GRANTS plaintiff’s motion to amend the complaint. *See Edwards v. City of Goldsboro*, 178 F.3d 231, 242 (4th Cir. 1999) (noting that the Supreme Court has declared that courts must heed the directive of Rule 15(a) that leave to amend be freely given). Accordingly, the Court will permit plaintiff to amend the complaint and re-file the summons to correctly effect service of process of the full complaint and any exhibits thereto upon defendant within forty (40) days of the Court’s order. Plaintiff is cautioned that failure to properly serve the amended complaint and summons could result in dismissal. Defendant’s motion to dismiss is denied without prejudice to re-filing once the amended complaint is properly served.

CONCLUSION

For the foregoing reasons, plaintiff’s motion to amend the complaint [DE 20] is hereby GRANTED and defendant’s motion to dismiss [DE 11] is DENIED WITHOUT PREJUDICE. Plaintiff must amend the complaint and correctly effect service of process within forty (40) days of this Order. Defendant may re-file the motion to dismiss once the amended complaint is served, if appropriate.

SO ORDERED, this 28 day of January, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE